


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED  JAN 20 2006  JOHN F. CORCORAN, CLERK BY:  DEPUTY CLERK
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GREGORY A. MILTON,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

)  
) Civil Action No. 7:06cv00023  
)  
)

) MEMORANDUM OPINION  
)  
)

) By: Samuel G. Wilson  
) United States District Judge

Petitioner Gregory A. Milton brings this motion to correct his sentence pursuant to 28 U.S.C. § 2255 claiming his sentence is unconstitutional under United States v. Booker, 543 U.S. 220 (2005). Milton has previously filed a § 2255 motion regarding the same conviction and/or sentence. See Milton v. United States, 7:00cv00031 (W.D. Va. 2000). Thus, his current § 2255 motion is successive, and the court may only review it if the Fourth Circuit has authorized Milton to file a successive § 2255 motion. 28 U.S.C. § 2255. Milton does not allege that the Fourth Circuit has authorized him to file a successive motion. Accordingly, the court lacks jurisdiction to review Milton's motion and, therefore, dismisses it.<sup>1</sup>

ENTER: This 20th day of January, 2006.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Moreover, the Supreme Court did not make Booker retroactive to cases on collateral review, meaning Milton may not raise a Booker claim in a § 2255 motion. See Booker, 125 S. Ct. at 769.